

REMARKS

This amendment is filed in response to the Office Action dated February 23, 2007, in which claims 2, 5-15 and 74-85 are rejected. Claims 2, 8, 74 and 78 are hereby amended to more clearly describe the invention as claimed. Claims 15 and 85 are cancelled without prejudice or disclaimer. New claims 86-93 are added. Reconsideration and allowance of all pending claims is requested.

Claims 2, 5-14 and 74-84 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Office Action states that the claims are indefinite because the meaning of the expression "the weaker muscle" is not clear. Claims 2, 8, 74 and 78 are hereby amended to remove references to "the weaker muscle." Based on these amendments to claims 2, 8, 74 and 78, Applicants submit that claims 2, 5-14 and 74-84 fully comply with the requirements of 35 U.S.C. § 112, second paragraph. Reconsideration and allowance of claims 2, 5-14 and 74-84 is requested.

Claims 2, 5-11, 14-15, 74-78, 80, 84 and 85 are rejected under 35 U.S.C. 102(b) as anticipated by Johnson (U.S. Patent No. 4,017,083). For the reasons set forth below, Applicants submit that the Johnson reference fails to teach the inventions recited in claims 2, 5-11, 14, 74-78, 80 and 84. Applicants respectfully request reconsideration and allowance of those claims.

First, the undersigned would like to thank the examiner for opportunities to discuss the claims and cited prior art during several telephone interviews. As we discussed on the telephone, the Johnson reference does not describe any sort of force generator that develops a pressurized media to urge movement of the body of the muscle trainer. The Johnson reference also does not describe or suggest a force generator in the form of a motor coupled to a blade assembly or propeller.

As amended, independent claims 2 and 74 further describe the force generator as comprising a motor coupled to a blade assembly. New claim 89 describes the force generator as comprising a device for developing a pressurized media and for discharging the pressurized media from the device. Since the Johnson reference does not describe or suggest a device for developing a pressurized media, such as a motor coupled to a blade assembly or propeller, claims 2, 74 and 89 patentably define over the Johnson reference.

Other prior art of record, including U.S. patent numbers 4,907,800 (Passamaneck), 2,910,297 (Bonetate) and 5,613,915 (Van Alen, Jr.) describe passive air resistance devices. As the examiner and the undersigned discussed on the telephone, these references do not describe a force generator comprising a device for developing and discharging a pressurized media, such as a motor coupled to a blade assembly or propeller. Therefore, claims 2, 74 and 89 patentably define over the Passamaneck, Bonetate and Van Alen, Jr. references.

Reconsideration and allowance of claims 2, 74 and 89 are requested.

Dependent claims 5-14 and 86-88 depend from independent claim 2, dependent claims 75-84 depend from independent claim 74 and dependent claims 90-93 depend from independent claim 89. These dependent claims include all of the limitations of the corresponding independent claims and describe further important aspects of the invention. Therefore, claims 5-14, 75-84, 86-88 and 90-93 patentably define over the Johnson reference and other prior art of record for at least the same reasons as set forth above for claims 2, 74 and 89. Reconsideration and allowance of claims 5-14, 75-84, 86-88 and 90-93 are requested.

In light of the foregoing discussion of the claims of the invention and the cited references, Applicants respectfully submit that a full and complete response to the Office Action is provided herein, and that all of the pending claims are now in condition for full allowance. Action in accordance therewith is respectfully requested.

If the Examiner identifies further issues that may be resolved by telephone, the Examiner is invited to contact the undersigned at (865) 546-4305.

In the event this response is not timely filed, Applicants hereby petition for the appropriate extension of time and requests that the fee for the extension along with any other fees that may be due with respect to this paper be charged to Deposit Account No. 12-2355.

Respectfully submitted,

LUEDEKA, NEELY & GRAHAM, P.C.

By: 

Mark P. Crockett

Registration No. 47.507

Date: 5/3/07
P.O. Box 1871
Knoxville, Tennessee 37901
(865) 546-4305